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41 *Attorneys for Defendant,*
42 *Trans Union LLC*

43 **UNITED STATES DISTRICT COURT**
44 **NORTHERN DISTRICT OF CALIFORNIA**

45 SERGIO L. RAMIREZ, on behalf of himself
46 and all others similarly situated,

47 Case No. 3:12-cv-00632-JSC

48 Plaintiff,

49 v.

50 TRANS UNION, LLC,

51 Defendant.

52 **STIPULATION AND
53 [PROPOSED] ORDER
54 RE: POST-APPEAL PROCEEDINGS**

1 WHEREAS, a Judgment was entered in this matter on June 20, 2017, and an Amended
2 Judgment was entered on November 16, 2017. (ECF Nos. 309 & 347);

3 WHEREAS, TransUnion filed a Notice of Appeal on November 1, 2017 and an Amended
4 Notice of Appeal on December 1, 2017. (ECF Nos. 342 & 350);

5 WHEREAS, to stay execution of judgment pending post-trial motions and pending appeal,
6 TransUnion posted a supersedeas bond identified as Bond No. 1061144 issued by The Hanover
7 Insurance Company on behalf of TRANS UNION, LLC in the amount of \$60,000,000.00 (the
8 “Bond”), which Bond was approved by the Court on July 31, 2017. (ECF No. 326);

9 WHEREAS, on February 27, 2020, the U.S. Court of Appeals for the Ninth Circuit
10 rendered an opinion in regard to TransUnion’s appeal (see ECF No. 358) by which it affirmed the
11 jury verdict and this Court’s rulings on TransUnion’s post-verdict motions but reduced the punitive
12 damages award from \$6,353.08 per class member to \$3,936.88 per class member (Appellate
13 (“App.”) ECF No. 54-1), decreasing the total judgment against TransUnion to \$43,533,923.10
14 (“Revised Judgment”), as to which TransUnion sought further review in the U.S. Supreme Court.
15 (ECF Nos. 358 & 370);

16 WHEREAS, on June 25, 2021, the U.S. Supreme Court rendered its Opinion by which it
17 reversed the judgment of the Ninth Circuit. (ECF No. 376);

18 WHEREAS, on August 23, 2021, the U.S. Court of Appeals for the Ninth Circuit issued an
19 Order directing this Court to conduct further proceedings consistent with the Supreme Court’s
20 decision. (ECF No. 381);

21 WHEREAS, while appellate proceedings were underway, Plaintiff filed a Motion for
22 Attorney Fees and Reimbursement of Costs and Expenses and a Supplemental Motion for Attorney
23 Fees and Reimbursement of Expenses. (ECF Nos. 353 & 368);

24 WHEREAS, this Court previously ordered that all proceedings on fee and cost matters are
25 stayed and would be resolved after completion of Supreme Court review. (ECF No. 375);

26 WHEREAS, on September 3, 2021, TransUnion filed a Bill of Costs with respect to
27 appellate costs. (ECF No. 382);

1 WHEREAS, in advance of the status conference currently scheduled for September 30,
2 2021, counsel for TransUnion and Plaintiff are actively meeting and conferring in hopes of
3 submitting an agreed plan for resolving issues pertaining to the Supreme Court's decision, in hopes
4 of avoiding unnecessary motion practice; and

5 WHEREAS, in order to provide sufficient time to meet and confer and prepare the above-
6 referenced joint plan to this Court, the parties agree that the status conference currently scheduled
7 for September 30, 2021 be continued to October 28, 2021, or at a later time that is convenient for
8 the Court.

9 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED** by and between
10 the Parties, through their undersigned counsel of record as follows:

- 11 1. All deadlines pertaining to TransUnion's Bill of Costs and to Plaintiff's Motion and
12 Supplemental Motion for Attorney Fees and Reimbursement of Expenses, including
13 any discovery pertaining thereto, are stayed pending further order of the Court.
- 14 2. The Bond is exonerated. For purposes of excusing TransUnion from any obligation to
15 maintain custody of the Bond, the Amended Judgment in the above-captioned case is
16 set aside, and therefore the Bond No. 1061144 issued by The Hanover Insurance
17 Company on behalf of TRANS UNION, LLC in the amount of \$60,000,000.00 is no
18 longer required and is hereby fully and unconditionally discharged, released and
19 exonerated, and The Hanover Insurance Company, its parents, affiliates and
20 subsidiaries hereby released from any and all past, present and future liability arising
21 under or in connection with the issuance of the Bond, or in relation to the judgment(s)
22 or appeal(s) to which it relates. Counsel for TransUnion are relieved from their
23 obligation to maintain custody of the original Bond.
- 24 3. The setting aside of the Amended Judgment in this matter is without prejudice to any
25 party's rights in regard to implementation of the rulings of the Supreme Court and the
26 Ninth Circuit, including but not limited to Plaintiff's right to seek reinstatement of the
27 Amended Judgment in altered or modified form or as may be appropriate in light of the
28 appellate rulings in this matter and this Court's findings. The foregoing is not intended

1 to be, and shall not be interpreted as, an agreement by TransUnion to any such request
2 by Plaintiff to seek reinstatement of the Amended Judgment. TransUnion intends to
3 oppose any such request.

4. The status conference currently scheduled for September 30, 2021 shall be continued to
5 October 28, 2021, or at a later time that is convenient for the Court. The parties will
6 submit a joint report containing their respective proposals as to further proceedings in
7 this action on or before October 21, 2021, or one week prior to the status conference,
8 whichever is later.

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1 Respectfully submitted,

2 **FRANCIS & MAILMAN, P.C.**

3 */s/ John Soumilas*

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 20 I, Stephen J. Newman, attest that all other signatories listed, on whose behalf the filing is
 21 submitted, concur in the filing's content and have authorized the filing.

22 Dated: September 17, 2021

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 24 */s/ Stephen J. Newman*
 25 Stephen J. Newman

26 **STROOCK & STROOCK & LAVAN LLP**

27 */s/ Stephen J. Newman*

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26 *Attorneys for Defendant*
 27 *Trans Union, LLC*

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

1. All deadlines pertaining to TransUnion's Bill of Costs (ECF No. 382) and to Plaintiff's Motion and Supplemental Motion for Attorney Fees and Reimbursement of Expenses (ECF Nos. 353 & 368), including any discovery pertaining thereto, are stayed pending further order of the Court.

2. The Judgment (ECF No. 309) and Amended Judgment (ECF No. 347) are set aside without prejudice to any party's rights in regard to implementation of the rulings of the Supreme Court and the Ninth Circuit.

3. The Bond is exonerated. For the avoidance of doubt: The judgment in the above-captioned case has been vacated, and therefore the Bond No. 1061144 issued by The Hanover Insurance Company on behalf of TRANS UNION, LLC in the amount of \$60,000,000.00 is no longer required and is hereby fully and unconditionally discharged, released and exonerated, and The Hanover Insurance Company, its parents, affiliates and subsidiaries hereby released from any and all past, present and future liability arising under or in connection with the issuance of the Bond, or in relation to the judgment(s) or appeal(s) to which it relates. Counsel for TransUnion are relieved from their obligation to maintain custody of the original Bond.

4. The status conference currently scheduled for September 30, 2021 be continued to October 28, 2021. The parties will submit a joint report containing their respective proposals as to further proceedings in this action on or before October 21, 2021.

Dated: September , 2021

Hon. Jacqueline Scott Corley
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2021, a copy of the foregoing **STIPULATION AND [PROPOSED] ORDER RE: POST-APPEAL PROCEEDINGS** was filed electronically.

4 Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing
5 system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic
6 Filing. Parties may access this filing through the court's EM/ECF System.

/s/ Stephen J. Newman

Stephen J. Newman

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